(102 Washington Street)

8th Election District 3rd Councilmanic District \* BEFORE THE

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 93-468-A

Thomas H. Wheatley, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Thomas H. and Virginia S. Wheatley. The Petitioners request relief from Sections 1B02.3.C..1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck and ramp) with a rear yard setback of 13.5 feet in lieu of the minimum required 22.5 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Queday of July, 1993 that the Petition for Administrative Variance requesting relief from Sections 1802.3.C..1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck and ramp) with a rear yard setback of 13.5 feet in lieu of the minimum required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return. and be responsible for returning, said property to its original condition.

LES:bjs

Zoning Commissioner for Baltimore County

Zoning Description

- 2-

Washington Street which is 30 feet wide (right-of-way width), at a distance of 65 feet west of the centerline of the nearest St, which is 40 feet wide (right-of-way width.)

subdivision, as recorded in Baltimore County Plat Book #5, Folio# 82, containing 10,080 square feet (0.2314 acres), with each lot being 20' x 126' in size, for a total area of 80 feet by

93-468-A

Timonium, MD 21093

Councilmanic District: 3rd

Beginning at a point on the north side of the 100 block of improved intersecting street, which is Broad Avenue, AKA Broad

126 feet.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 29, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. Thomas H. Wheatley 102 Washington Street Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE N/S Washington Street, 65' W of Broad Avenue (102 Washington Street) 8th Election District - 3rd Councilmanic District Thomas H. Wheatley, et ux - Petitioners Case No. 93-468-A

Thomas + Virginio Wheetler

Location of Signer France Too Lavoy On property of Petitoins

85.00

03A03#0163HICHRC

Please Make Checks Payable Tet. Baltimer 4 - C009121AH06-28-93

**Zoning Administration 8** 

Thomas H & Virginia S. Wheatlay

#101 - Variance --- \$50.00

#080 - Sign ---- # 35.00

Date 6/28/93

102 Norhing Ton Har N/S 65 N/Broad Arm

Dear Mr. & Mrs. Wheatley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

File

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 102 WASHINGTON ST. THONIUM HTS.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1882.3.c.1 and 301.1. A To allow open projection (deck and ramp) a rear yard setback of 13.5' in lieu of the required 22.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or

To build a deck and ramp at the rear of the house, which we believe to be a reasonable use of the property. A wandering Alzheimer patient lives here. We want to be able to have her able to walk outside with reasonable containment and safety. The current revisions of the zoning regulations call for a 30 foot rear boundary clearance, which was not anticipated when the house was located by the original owners in 1955. (We're not sure whether this falls under undue hardship or practical difficulty.) Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		Whe do solemnly declare and affirm, under the penalties of perjury, that I/we are legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s):
		THOMAS H. WHEATLEY
		Thomas the hearthy
	<del></del>	VIRGINIA S. WHENTLEY
State	Zipcode	Signature ( Sheattley
	<del></del>	102 WASHINGTON ST 252-5384
		TIMONIUM MD 21093
	<del></del>	City State Zipcode Name, Address and phone number of representative to be contacted
Phone I	No.	THOMAS H. WHEATLEY
State	Zipcode	THOMAS H. WHEATLEY  Name  102 WASHINGTON ST 252-5589  Address Phone No.
	Phone I	Phone No.

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

JULY 9, 1993

(410) 887-3353

Zoning Commissioner of Baltimore County

ITEM #: 473

NOTICE OF CASE NUMBER ASSIGNMENT

Thomas and Virginia Wheatley 102 Washington Street Timonium, Maryland 21093

ESTIMATED POSTING DATE:

CASE MUMBER: 93-468-A (item 473) 102 Washington Street N/S Washington Street, 65' W of Broad Avenue 8th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 11, 1993. The closing date (July 26, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) depy the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public bearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE

PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Zoning Description for: 102 Washington Street

Election District: 8th

Being Lots 3, 4, 5 & 6 of Section P of the Timonium Heights

CEIVED FOR

Affidavit in support of Administration Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at \_/OZ WASHINGTON ST TIMONIUM

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty) We are applying for a hardship (or practical difficulty) administrative variance to permit the addition of a 16 deep deck, plus a 4 x 24 handicap ramp, at

the rear of our house, built in 1955. The rearmost portion of the house, (the cellar access stairway) is located 28 feet from the rear property line. The modifications proposed would end about 13.5' from the rear property line. This includes a 6" allowance for any deck overhang. An existing 15'x15' patio, which ends 19' from the rear property line will be removed in the process of adding the deck. (The current side setback from the adjacent lot is 22 feet, exclusive of roof overhang. It is proposed that the new setback will be 16.5', including any deck overhang. We understand that this is within the current guidelines for side setbacks, which we were told was 7.5 feet. Should our understanding be in error, it is requested that the side setback also be included in this variance.) There is presently a certified handicapped person living in the house. The ramp is being designed with a 1:12 slope, to meet current standards for handicapped ramps.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

I HEREBY CERTIFY, this 25 4 day of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law AS WITNESS my hand and Notarial Seal.

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

, 1993 , before me, a Notary Public of the State

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 19, 1993

Mr. and Mrs. Thomas H. Wheatley 102 Washington Street Timonium, MD 21093

> RE: Case No. 93-468-A, Item No. 473 Petitioner: Thomas H. Wheatley, et ux Petition for Administrative Variance

## Dear Mr. and Mrs. Wheatley:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 28, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

7-7-93

Re: BALTIHORE (10, Item No.: \* 473 (JRF)

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief Engineering Access Permits

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

001.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: July 16, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning .

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1993

FROM: <u>Jerry L. Pfeifer, Captain</u> Fire Department

SUBJECT: July 19, 1993 Meeting

#473 - No comments

No comments

Building shall be built in compliance with the

1991 Life Safety Code.

No comments

A fire hydrant is required at the entrance to

- Building shall be built in compliance with the 1991 Life Safety Code.

- No comments

JLP/dal

cc: File

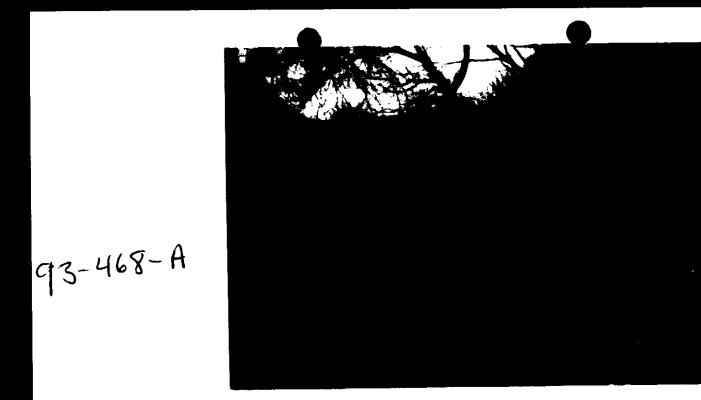
93-468-A

TOP PICTURE: Looking easterly. This shows the proposed deck area outlined in string with streamers. The space between the outside and inside strings is where the ramp will be located. The existing patio runs 15' from the house. In the background is the nearest easterly house, belonging to Paul & Harriet Cole, which is about 130' from our easterly property line.

BOTTOM PICTURE: Looking Southerly. This shows the two nearest buildings in a southerly direction, with respect to the proposed deck area. The house partially hidden by our house is at 101 Washington Street, owned by George & Mary Eckhart, while the house to the right of it is at 103 Washington Street and is owned by James & Pat Cullen. Both houses are about 70 feet from our front property line.

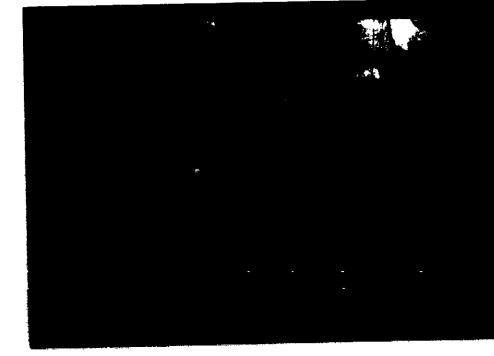


ALTURES TO ACCOMPANY REQUEST FOR VARIANCE 102 WASHINGTON ST TIMONIUM MD 21053



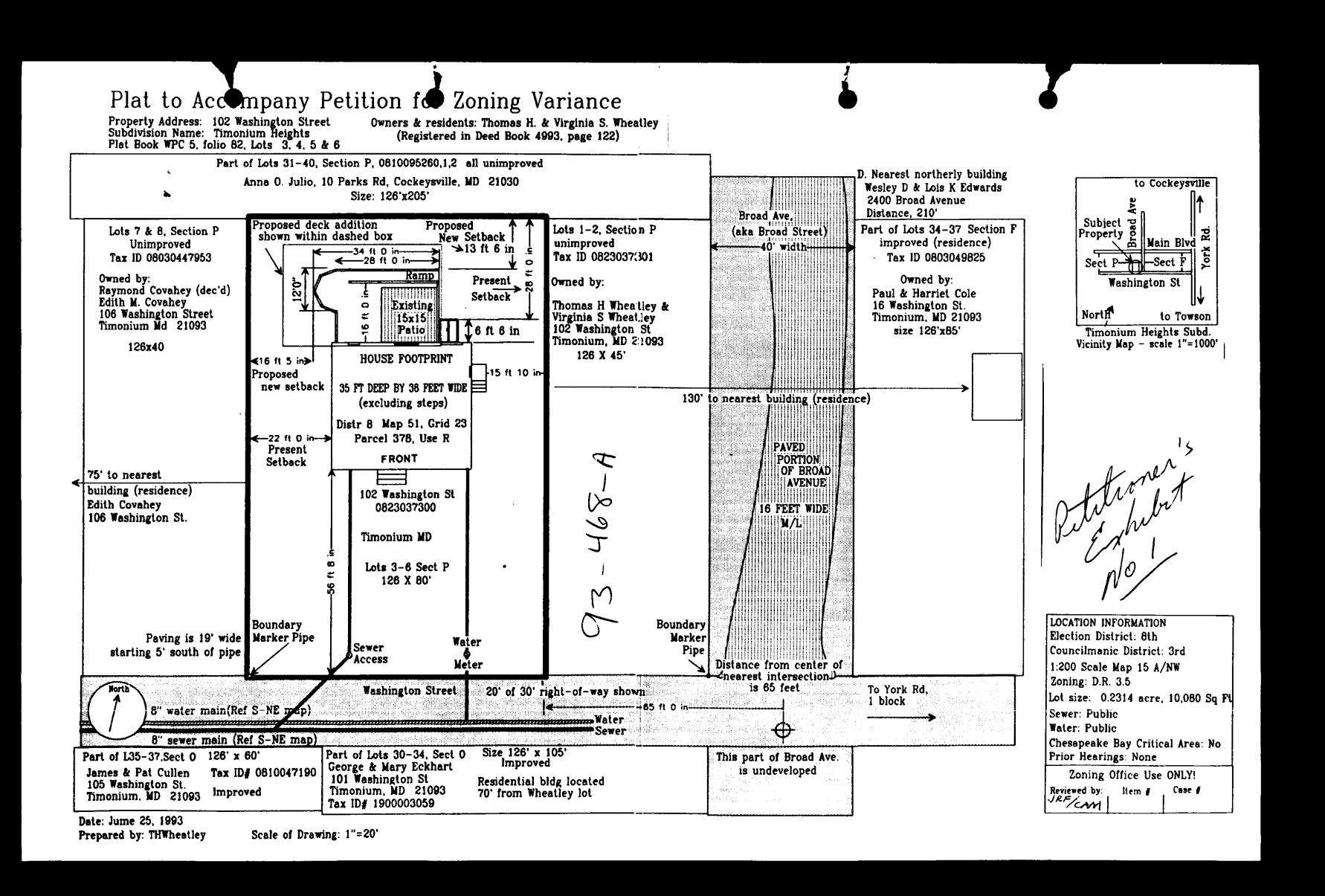
TOP PICTURE: Looking westerly. This shows the proposed deck and ramp areas, the existing patio area and toward the right side, the rear property line as indicated by a row of concrete blocks laying on the ground. The nearest westerly house is shown in the background, and belongs to Raymond & Edith Covahey, at 106 Washington Street. It lies about 75' from our westerly property line. (The row of inverted flower pots has no significance for this presentation.)

BOTTOM PICTURE: Looking northerly. This shows the roofline of the nearest northerly neighbor, Wesley D & Lois K Edwards, at 2400 Broad Ave. The house is about 210 feet from our northern property line. The northern edges of the existing patio, the deck and the ramp show in the foreground, while the concrete blocks marking the rear property line are also visible.



SHEET 2 or 2

PICTURES TO ACCOMMENT REQUEST FOR VARIANCE 102 WASHINGTON ST Trianium MD. 21093 THOMAS & VICINIA WHEATLEY



THOMAS & VILGIMA WHEATLEY SHEET 1 OF 2

